

**PETITION FOR ZONING VARIANCE**  
**TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2C.6 (V.B.5.a&b) to permit a window to tract boundary setback of 24 feet in lieu of the required 35 feet and a building to tract boundary setback of 10 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached Addendum

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

<b>Contract Purchaser:</b>	<b>Legal Owner(s):</b>
Gregory S. and Kathleen L. Junker (Type or Print Name)	Bernice F. Walk (Type or Print Name)
<i>Gregory S. Junker</i> (Signature)	<i>Bernice F. Walk</i> (Signature)
4823 Melbourne Road Address	Vernon H. Flint (Type or Print Name)
Baltimore, Maryland 21229 City and State	<i>Vernon H. Flint</i> (Signature)
<b>Attorney for Petitioner:</b>	Vernon H. Flint 320 Main Street, S.W. 760-8720 Address Phone No.
(Type or Print Name)	Glen Burnie, Maryland 21061 City and State
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address	Kathleen L. Junker Name
City and State	4823 Melbourne Road Baltimore, Maryland 21229 644-0066 Address Phone No.
Attorney's Telephone No.:	Address

MAP SW 24  
 2A  
 E. D. 1-1  
 DATE 2/24/87  
 ZCO  
 ICOD  
 DP

MAP SW 24  
 2A  
 E. D. 1-1  
 DATE 2/24/87  
 ZCO  
 ICOD  
 DP

ORDER RECEIVED FOR FILING  
 By *[Signature]*  
 8/20/87

**ADDENDUM**

- Contract Purchasers came to Baltimore County Zoning Office in January, 1986, to check the regulations on setbacks for the subject property. A Zoning Associate informed Contract Purchasers that the setbacks for this lot and area in question were 10-foot side setbacks and a 25-foot front setback.
- Contract Purchasers chose plans for a 63-foot rancher for the subject lot, relying on the information obtained from the Zoning Office.  
 The lot is to be subdivided from a gross tract (not part of an overall subdivision of the entire tract), but Contract Purchasers have been informed that a 30-foot side-yard setback will be applied in this instance.
- The Contract Purchasers obtained the services of a surveyor to survey the property. This is where the Contract Purchasers learned of the subdivision law that requires a building to be 30 feet from the tract line.
- The lot width is 89.5 feet. If Contract Purchasers are required to allow for a 30-foot setback on the tract line side of the lot, that would only leave 59.5 feet for the house.
- The Contract Purchasers request a variance of Section of the Baltimore County Code that requires a 30-foot setback from the tract line. They request 10-foot setbacks for the subject lot, in keeping with the other single family lots on Rockwell Avenue adjacent and/or nearby the subject lot.
- The variance is requested in order to avoid unreasonable hardship and alleviate a practical difficulty created by the 30-foot setback. Further, such variance will be without substantial injury to the public health, safety, and agricultural welfare since the 10-foot setback restrictions are in keeping with the overall property scheme in the neighborhood and the entire tract is not being subdivided into development lots.

Vernon H. Flint, et al  
 284, 8' NW of  
 Chalfonte Dr.  
 1st Elec. Dist.

Case No. 87-288-A  
 Vernon H. Flint, et al

would be in the spirit of the law. The board sees no substantial detriment to the public good.

Therefore having established that the denial of the relief sought would unduly restrict the use of the land due to the uniqueness of the particular parcel, the variance will be granted.

**ORDER**

It is therefore this 20th day of August, 1987 by the County Board of Appeals of Baltimore County ORDERED that the requested variance be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY  
*William T. Hackett*  
 William T. Hackett, Chairman  
*Arnold G. Foreman*  
 Arnold G. Foreman  
*LeRoy B. Spurrier*  
 LeRoy B. Spurrier

**APPEAL**  
 Petition for Zoning Variance  
 284, 8' NW of Chalfonte Drive  
 1st Election District - 1st Councilmanic District  
 Vernon H. Flint, et al - Petitioner  
 Case No. 87-288-A

Re: Setbacks

- Petition for Zoning Variance
- Description of Property
- Certificate of Posting
- Certificates of Publication
- Entry of Appearance of People's Counsel
- Zoning Plans Advisory Committee Comments
- Director of Planning & Zoning Comments
- Petitioner's Exhibits: 1 - Plat of Property dated April, 1986  
 2 & 3 - Photographs of similar properties in the area
- Supporting Correspondence from Kathleen L. Junker, dated 2/25/87 with attachments
- Correspondence in Protest from Elaine and Steven Bellihan dated 2/12/87
- Zoning Commissioner's Order dated February 26, 1987
- Notice of Appeal received March 16, 1987 from Steven and Elaine Bellihan, Appellants/Protestants

Bernice F. Walk and Vernon H. Flint, et al, Petitioners  
 320 Main Street, S.W.  
 Glen Burnie, Maryland 21061

Gregory S. and Kathleen L. Junker, Contract Purchasers  
 4823 Melbourne Road  
 Baltimore, Maryland 21204

Steven and Elaine Bellihan, Appellant/Protestants  
 2400 Rockwell Avenue  
 Baltimore, Maryland 21228 741-5430

Phyllis Cole Friedman, Esquire  
 People's Counsel of Baltimore County  
 Rm. 723, Old Courthouse, Towson, Maryland 21284

Request Notification: Norman S. Gerber, Director of Planning  
 James Roswell, Office of Planning & Zoning  
 Arnold Jablon, Zoning Commissioner  
 Jean M. H. Jure, Deputy Zoning Commissioner  
 James E. Dyer, Zoning Supervisor  
 Margaret E. duBois, Socket Clerk

Kevin J. Kelehan, Esq.  
 Resse and Carney  
 10715 Charter Drive  
 Columbia, Md. 21044  
 Counsel for contract purchasers

IN THE MATTER OF :  
 THE APPLICANT OF :  
 VERNON H. FLINT, ET AL :  
 FOR ZONING VARIANCE ON :  
 PROPERTY LOCATED ON THE SOUTHWEST :  
 SIDE OF ROCKWELL AVENUE, 284.8' :  
 NORTHWEST OF CHALFONTE DRIVE :  
 1st ELECTION DISTRICT :  
 1st COUNCILMANIC DISTRICT :

BEFORE :  
 COUNTY BOARD OF APPEALS :  
 OF :  
 BALTIMORE COUNTY :  
 CASE NO. 87-288-A

**OPINION**

On July 30, 1987, a de novo hearing was held. After consideration of testimony and argument by counsel and protestants, the Board finds:

That the subject property is zoned D.R. 5.5. That a request for a variance was requested by Gregory S. and Kathleen Junker, potential contract purchasers, and Bernice F. Walk and Vernon H. Flint, owners. The potential contract purchasers desire to construct a dwelling with an attached garage that would require a ten-foot side yard setback. The lot to be developed requires a 30-foot right-of-way from Rockwell Avenue to the remaining tract of land behind the subject property.

A potential owner testified as to the size of the home and why the dwelling would be located on the lot in such a manner. The Protestant felt property values would decrease and the setback would not be in conformity with the neighborhood.

The testimony and exhibits revealed the neighborhood as a mixture of homes with various side yard setbacks even among the homes more recently constructed.

After due consideration of the testimony and evidence presented, it is clear that strict compliance with the requirements would unreasonably prevent the use of the property for a permitted purpose; that substantial injustice would be done to the owners and contract purchasers; and that the granting of a variance



County Board of Appeals of Baltimore County  
 Room 200 Court House  
 Towson, Maryland 21284  
 (301) 494-3180

August 20, 1987

Mr. & Mrs. Steven Bellihan  
 2400 Rockwell Avenue  
 Baltimore, MD 21204

RE: Case No. 87-288-A  
 Vernon H. Flint, et al

Dear Mr. & Mrs. Bellihan:

Enclosed is a copy of the final Opinion and Order passed today by the County Board of Appeals regarding the subject case.

Sincerely,  
*Kathleen C. Weidenhammer*  
 Kathleen C. Weidenhammer  
 Administrative Secretary

Encl.

cc: Kevin J. Kelehan, Esquire  
 Mr. & Mrs. Gregory S. Junker  
 Bernice F. Walk  
 Vernon H. Flint  
 Phyllis C. Friedman, Esq.  
 Norman F. Gerber  
 James G. Roswell  
 J. Robert Hines  
 James E. Dyer  
 Margaret E. du Bois

87-2940

Approved 3/14/87

IN RE: PETITION ZONING VARIANCES \* BEFORE THE  
 SW/S of Rockwell Avenue \* ZONING COMMISSIONER  
 284.8' NW of Chalfonte Drive - 1st Election District \* OF BALTIMORE COUNTY  
 Vernon H. Flint, et al, \* Case No. 87-288-A  
 Petitioners \*

LINE ENTRY

Dear Clerk:

Please enter the appearance of Kevin J. Kelehan as counsel for the Contract Purchasers, Gregory S. and Kathleen L. Junker, in the above-captioned case.

*KJK*  
 Kevin J. Kelehan  
 REESE AND CARNEY  
 10715 Charter Drive  
 Columbia, Maryland 21044  
 (301) 740-4600  
 Counsel for Contract Purchasers

RECEIVED  
 JUN 25 1987  
 ZONING OFFICE

4/10/87 - Notice sent to following advising of hearing set for Thursday, 7/30/87 at 1:00 a.m.:

Steven & Elaine Rellihan  
 Bernice F. Walk and  
 Vernon H. Flint, et al  
 Gregory S. Junker, et ux  
 P. C. Friedman, Esq.  
 Norman E. Gerber  
 James G. Hoswell  
 Arnold Jablon  
 Jean M. H. Jung  
 James E. Dyer  
 Margaret E. du Bois  
 Kevin J. Kelehan, Esq.

7/22/87 - Postponement requested (not in writing) by P. Friedman & P. Zimmermann. P. Zimmermann to contact counsel involved and attempt to get agreement for postponement (tentative dates being held pending outcome of telephone conversations).

7/22 - K. Kelehan (Counsel for contract purchasers) telephoned - his clients are strenuously opposed to the postponement. He will contact Zimmermann and advise.

7/24/87 - With agreement of Counsel for Contract Purchaser and all parties, PC request for a change in time from 1:00 p.m. to 11:30 a.m. on 7/30/87 will be granted.

Notice sent to above advising of change in time: hearing set for Thursday, July 30, 1987 at 11:30 a.m.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing line entry was mailed postage prepaid this 17th day of June, 1987 to:

Steven & Elaine Rellihan  
 2400 Rockwell Avenue  
 Baltimore, Maryland 21228

Phyllis Cole Friedman, Esquire  
 People's Counsel for Baltimore County  
 Old Courthouse, Room 223  
 Towson, Maryland 21204

Bernice F. Walk and  
 Vernon H. Flint  
 320 Main Street, SW  
 Glen Burnie, Maryland 21061

Arnold Jablon  
 Zoning Commissioner  
 Baltimore County  
 Office of Planning & Zoning  
 County Office Building  
 Towson, Maryland 21204

*KJK*  
 Kevin J. Kelehan

kjk\litig\junker.ent



County Board of Appeals of Baltimore County

Room 200 Court House  
 Towson, Maryland 21204  
 (301) 491-3180

AMENDED NOTICE

July 24, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 87-288-A VERNON H. FLINT, ET AL  
 SW/S of Rockwell Ave., 284.8' NW of Chalfonte Drive  
 1st Election District  
 1st Councilman's District  
 VAR - setbacks  
 2/24/87 - Z.C. GRANTED variances w/restrictions

Case had been assigned for hearing on Thursday, July 30, 1987 at 1:00 p.m. but was moved to an earlier time (same date) at the request of People's Counsel with agreement of all involved parties and has been

REASSIGNED TO: THURSDAY, July 30, 1987 at 11:30 a.m.

to: Steven & Elaine Rellihan	Appellant/Protestants
Bernice F. Walk and Vernon H. Flint, et al	Petitioners
Gregory S. Junker, et ux	Contract Purchasers
Phyllis Cole Friedman, Esq.	People's Counsel
Norman E. Gerber James G. Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. du Bois	Counsel for Contract Purchasers
Kevin J. Kelehan, Esquire	Counsel for Contract Purchasers

Kathi Weidemann  
 Administrative Secretary



County Board of Appeals of Baltimore County

Room 200 Court House  
 Towson, Maryland 21204  
 (301) 491-3180

April 20, 1987

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79.

CASE NO. 87-288-A VERNON H. FLINT, ET AL  
 SW/S of ROCKWELL AVE., 284.8' NW of CHALFONTE DRIVE  
 1st ELECTION DISTRICT  
 1st COUNCILMAN'S DISTRICT  
 VARIANCES - SETBACKS  
 2/24/87 - Z.C. GRANTED VARIANCES W RESTRICTIONS

ASSIGNED TO: THURSDAY, July 30, 1987 at 11:30 a.m.

to: Steven & Elaine Rellihan	Appellant/Protestants
Bernice F. Walk and Vernon H. Flint, et al	Petitioners
Gregory S. Junker, et ux	Contract Purchasers
Phyllis Cole Friedman, Esq.	People's Counsel
Norman E. Gerber James G. Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. du Bois	Counsel for Contract Purchasers
Kevin J. Kelehan, Esq.	Counsel for Contract Purchasers

Kathi C. Weidemann  
 Administrative Secretary

4/20/87 - Following were notified of hearing set for Thursday, July 30, 1987 at 1:00 p.m.:

Steven & Elaine Rellihan  
 Bernice F. Walk  
 Vernon H. Flint, et al  
 Gregory S. Junker, et ux  
 Phyllis Cole Friedman, Esquire  
 Norman E. Gerber  
 James G. Hoswell  
 Arnold Jablon  
 Jean M. H. Jung  
 James E. Dyer  
 Margaret E. du Bois

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing line entry was mailed postage prepaid this 17th day of June, 1987 to:

Steven & Elaine Rellihan  
 2400 Rockwell Avenue  
 Baltimore, Maryland 21228

Phyllis Cole Friedman, Esquire  
 People's Counsel for Baltimore County  
 Old Courthouse, Room 223  
 Towson, Maryland 21204

Bernice F. Walk and  
 Vernon H. Flint  
 320 Main Street, SW  
 Glen Burnie, Maryland 21061

Arnold Jablon  
 Zoning Commissioner  
 Baltimore County  
 Office of Planning & Zoning  
 County Office Building  
 Towson, Maryland 21204

*KJK*  
 Kevin J. Kelehan

kjk\litig\junker.ent

RECEIVED  
 COUNTY BOARD OF APPEALS  
 JUN 26 11 28 AM '87

4:30 - 5:20 PM  
 attempted call  
 to Rellihan - no answer.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
 Towson, Maryland

District 1st Date of Posting 3-25-87  
 Posted for Arnold Jablon  
 Petitioner Vernon H. Flint, et al.  
 Location of property SW/S of Rockwell Ave. NW of Chalfonte Dr.  
 Location of Signs SW/S of Rockwell Ave. NW of Chalfonte Dr.  
 Remarks \_\_\_\_\_ Date of return 3-27-87  
 Posted by [Signature] Signature  
 Number of Signs 1

2400 Rockwell Avenue  
 Catonsville, MD 21228  
 March 12, 1987

Mr. Arnold Jablon  
 Zoning Commissioner  
 County Office Building  
 Towson, Maryland 21204

Dear Mr. Jablon:

We would like to appeal the decision made in Zoning Case #87-288-A concerning the building to tract boundary setback of 13 feet.

Sincerely,

Steven Rellihan  
 Elaine Rellihan

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE-REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 33132

DATE \_\_\_\_\_ ACCOUNT \_\_\_\_\_  
 AMOUNT \$ \_\_\_\_\_  
 RECEIVED FROM \_\_\_\_\_  
 FOR \_\_\_\_\_  
 VALIDATION OR SIGNATURE OF CASHIER \_\_\_\_\_

RECEIVED  
 MAR 16 1987  
 ZONING OFFICE



ARNOLD JABLON  
 ZONING COMMISSIONER

JEAN M. H. JUNG  
 DEPUTY ZONING COMMISSIONER

March 16, 1987

Bernice F. Walk  
 Vernon H. Flint  
 320 Main Street, SW  
 Glen Burnie, Maryland 21061

RE: Petition for Zoning Variance  
 SW/S Rockwell Avenue, NW of Chalfonte Drive  
 1st Election District, 1st Councilmanic District  
 Case No. 87-288-A

Dear Ms. Walk and Mr. Flint:

Please be advised that on March 16, 1987, an appeal of the decision rendered in the above-referenced case was filed by Steven and Elaine Rellihan.

You will be notified of the date and time of the appeal hearing when it has been scheduled by the County Board of Appeals (494-3150).

Very truly yours,

Arnold Jablon  
 ARNOLD JABLON  
 Zoning Commissioner

AJ:bjs

cc: Steven & Elaine Rellihan  
 2400 Rockwell Avenue  
 Baltimore, Maryland 21228

Gregory S. & Kathleen L. Junker  
 4823 Melbourne Road  
 Baltimore, Maryland 21229

Baltimore County Board of Appeals  
 Old Courthouse, Rm. 205  
 Towson, Maryland 21204

Phyllis Cole Friedman, Esquire  
 People's Counsel for Baltimore County  
 Old Courthouse, Rm. 223  
 Towson, Maryland 21204

file

IN RE: PETITION ZONING VARIANCES \* BEFORE THE  
 SW/S of Rockwell Avenue, \* ZONING COMMISSIONER  
 234.9' NW of Chalfonte \* OF BALTIMORE COUNTY  
 Drive - 1st Election \*  
 District \*  
 Vernon H. Flint, et al, \* Case No. 87-288-A  
 Petitioners \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request variances to permit a window to tract boundary setback of 24 feet in lieu of the required 35 feet and a building to tract boundary setback of 10 feet in lieu of the required 30 feet, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. A number of neighbors appeared and testified in opposition, including Ralph B. Behning, Steven D. Rellihan, and Berchie Manley, President of the Southwest Coalition, an umbrella coalition of local community associations.

Testimony indicated that the subject property, zoned R.R.3.5 and containing 9.3 acres, is unimproved. The Petitioners propose to create an 89.5' x 200' lot along the frontage in order to construct a dwelling for Mr. and Mrs. Junker, Mr. Flint's daughter and son-in-law. The property has frontage on Rockwell Avenue of only 129 feet and is adjacent to Mr. Rellihan's home on the east and Mrs. Walk's (Mr. Flint's sister) home on the west. The remaining tract will have a 30-foot right of way from Rockwell Avenue between Mrs. Walk's property and the lot proposed for Mr. and Mrs. Junker. The dwelling will face Rockwell Avenue, with an attached garage offset from the house to the east. The dwelling would necessitate a window to tract boundary setback of 24 feet, and the garage would necessitate a building to tract boundary

OFFICE OF FINANCE-REVENUE DIVISION  
 37 - [Signature]

setback of 10 feet. The Petitioners argued that other homes in the area have 10-foot side yard setbacks. They further argued that the 49' x 34' house with the 24' x 20' garage cannot be reoriented on the lot without setback variances.

Mr. Behning testified that he is concerned about the potential development of the entire tract and the impact it would have on water and sewer services as well as traffic on surrounding residential streets. Mrs. Walk testified that the Petitioners have no intention of developing the property, although it could be. The property is an asset to them, and they do not wish to preclude any available options.

Mr. Rellihan, the immediate neighbor to the east, is concerned about the closeness of the proposed dwelling to his property and its infringement on the quiet enjoyment of his property. Ms. Manley, on behalf of the Southwest Coalition, was concerned that if the variances were granted, the Petitioners would be afforded a greater opportunity to develop the entire site.

The Petitioners seek relief from Section 1801.2.C.6 (Section V.B.5.a and b, Comprehensive Manual of Development Policies), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

The variances are necessary because the Petitioners wish to preserve access from Rockwell Avenue to the remainder of the tract. To do so, they must comply with County standards for rights of way, i.e., a 50-foot width, and had to cut sufficient footage off of the building lot in order to satisfy this requirement. Presently, an unimproved right of way already exists which provides Mrs. Walk access to her property but which does not meet the County requirement. If such access is not provided from Rockwell Avenue, the rear acreage would become landlocked. See Petitioners' Exhibit 1. Of course, this is predicated on the Petitioners providing the building lot for the Junkers.

If the variances were not granted, a very small dwelling could be constructed or no dwelling at all.

The Zoning Commissioner requested Mr. Rellihan and Ms. Junker to meet to discuss possible solutions to the quandry in which they find themselves. However, letters received from both parties indicate that no agreeable solution had been reached.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In

addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

It is often true that parties appearing before the Zoning Commissioner, in expectation of receiving requested relief or in expectation that the requested relief will be denied, have not and contradicted the required burden of proof delineated by Section 307. In the instant case, the Petitioners have proven that a practical difficulty would exist if the variances were denied, while the Protestants have been able to present a convincing argument that other alternatives exist. Often, it is the Zoning Commissioner's role to play "Solomon", a role in which total inadequacy is felt but that which cannot be escaped. Therefore, variances will be granted, but not to the extent requested by either the Junkers or the Rellihans.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 26<sup>th</sup> day of February, 1987, that variances to permit a window to tract boundary setback from the house of 24 feet in lieu of the required 35 feet for the dwelling and a building to tract boundary setback of 13 feet in lieu of the requested 10 feet and in lieu of the required 30 feet be and are hereby GRANTED, from and after the date of this Order, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. A screen of white pine or similar trees shall be provided on the east property line.
2. A swale shall be created along the east property line to permit proper drainage.
3. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be

responsible for returning said property to its original condition.

Zoning Commissioner of Baltimore County

AJ:arl

cc: Mr. & Mrs. Vernon H. Flint  
 Ms. Kathleen L. Junker  
 Samuel P. Kenney, Esquire  
 Mr. Ralph Behning  
 Mr. & Mrs. Steven D. Rellihan  
 People's Counsel

OFFICE RECEIVED FOR FILING  
 3:30 [Signature]

PETITION FOR ZONING VARIANCE

1st Election District

Case No. 87-288-A

LOCATION: Southwest Side of Rockwell Avenue, 284.8 feet Northwest of Chalfonte Drive

DATE AND TIME: Monday, January 12, 1987, at 9:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a window to tract boundary setback of 24 feet in lieu of the required 35 feet and a building to tract boundary setback of 10 feet in lieu of the required 30 feet

Being the property of Vernon H. Flint, et al, as shown on plat filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

DESCRIPTION

BEGINNING at a point on the southwest side of Rockwell Avenue (60 feet wide) at a distance of 284.8 feet northwest of Chalfonte Drive and running the following courses and distances:

N 63°9'30" West 89.5 feet; then running southwesterly S 18° 47'40" West 200 feet to a point; then S 63° 9' 30" East 89.5 feet to a point; then running northwesterly N 18° 47' 40" East 200 feet to the point of beginning.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER SW/S Rockwell Ave., 284.8' NW of Chalfonte Dr., 1st District : OF BALTIMORE COUNTY

VERNON H. FLINT, et al., : Case No. 87-288-A Petitioners

ENTRY OF APPEARANCE

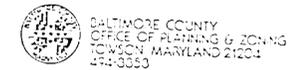
Please enter the appearance of the People's Counsel in the above captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 7th day of January, 1987, a copy of the foregoing Entry of Appearance was mailed to Vernon H. Flint and Bernice F. Walk, Petitioners, 320 Main St., S.W., Glen Burnie, MD 21061; and Gregory S. & Kathleen L. Junker, 4823 Melbourne Road, Baltimore, MD 21229, Contract Purchasers.

Peter Max Zimmerman Deputy People's Counsel



ARNOLD JABLON ZONING COMMISSIONER

JEAN M. HUNTS DEPUTY ZONING COMMISSIONER

January 7, 1987

Mr. Vernon H. Flint Mrs. Bernice F. Walk 320 Main Street, S.W. Glen Burnie, Maryland 21061

RE: PETITION FOR ZONING VARIANCE SW/S Rockwell Ave., 284.8' NW of Chalfonte Dr. 1st Election District Vernon H. Flint, et al - Petitioners Case No. 87-288-A

Dear Mr. and Mrs. Flint:

This is to advise you that \$59.70 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to, Towson, Maryland

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

87-288-A

CERTIFICATE OF PUBLICATION

TOWSON, MD, December 25, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 25, 1986.

THE JEFFERSONIAN,

Arnold Jablon Zoning Commissioner

Cost of Advertising

24.75

PETITION FOR ZONING VARIANCE 1st Election District Case No. 87-288-A LOCATION: Southwest Side of Rockwell Avenue, 284.8 feet Northwest of Chalfonte Drive DATE AND TIME: Monday, January 12, 1987, at 9:45 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

NOTICE

PETITION FOR ZONING VARIANCE 1st Election District Case No. 87-288-A LOCATION: Southwest Side of Rockwell Avenue, 284.8 feet Northwest of Chalfonte Drive DATE AND TIME: Monday, January 12, 1987, at 9:45 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

December 23, 1986

Office of PATUXENT Publishing Corp.

10750 Little Patuxent Pkwy Columbia MD 21044

December 26 19 86

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR ZONING

was inserted in the following:

- Arbutus Times
- Catonsville Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 27 day of December 19 86, that is to say, the same was inserted in the issues of

December 25, 1986

PATUXENT PUBLISHING CORP. By [Signature]

Mr. Vernon H. Flint Mrs. Bernice F. Walk 320 Main Street, S.W. Glen Burnie, Maryland 21061 December 12, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE SW/S Rockwell Ave., 284.8' NW of Chalfonte Dr. 1st Election District Vernon H. Flint, et al - Petitioners Case No. 87-288-A

TIME: 9:45 a.m.

DATE: Monday, January 12, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Arnold Jablon Zoning Commissioner of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 8th day of December, 1986.

Arnold Jablon Zoning Commissioner

Petitioner Bernice F. Walk, et al Attorney

Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 12/25/86 Posted for: [Signature] Petitioner: Vernon H. Flint, et al Location of property: SW/S Rockwell Ave., 284.8' NW of Chalfonte Dr. Location of Signs: [Signature] Remarks: [Signature] Posted by: [Signature] Date of return: 1/12/87 Number of Signs: 1

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner Date: December 19, 1986

Norman E. Gerber, AICP, Director  
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 87-287-A, 87-288-A, 87-289-A, 87-295-A,  
87-296-A, 87-297-A, 87-298-A and 87-299-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, AICP  
Norman E. Gerber, AICP  
Director

NEG:JGH:sib

RECEIVED  
DEC 23 1986  
ZONING OFFICE

CPS-008

87-287

RECEIVED  
FEB 10 1987

February 9, 1987

ZONING OFFICE

Mr. Arnold Jablon  
Zoning Commissioner of Baltimore County  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

RE: Petition of Zoning Variance  
54/S Rockwell Ave., 284.8' NW of Chalfonte Dr.  
1st Election District  
Vernon H. Flint, et al. - Petitioners  
Case No. 87-288-A

Dear Commissioner Jablon:

Pursuant to our discussions at the hearing held on January 12, 1987, we are writing to apprise you of events which have taken place since the hearing and to make you aware of our feelings on this matter.

We set up a meeting with the adjacent property owners, the Rellihans, for Tuesday, January 27, 1987. Mrs. Rellihan asked us to bring a copy of our house plans. Also, she indicated that she and her husband were not sure where the actual property line on the side in question was located. She had spoken to our surveyor at the site about staking the line dividing the two properties. She asked me to have the surveyor stake off the dividing line so they could get an actual distance between their house and the proposed site of our garage. Due to the large snowfall, the surveyor had not staked the line at the time of the meeting. We did, however, obtain approximate measurements from the surveyor for the distance between the Rellihan's recently-added addition and the property line. The measurements for the Rellihan's property were 25 feet from the front corner of the addition to the line and 21 feet from the back corner to the line. This will give an overall distance between their house and the proposed garage of 46 feet. This is much more than the 20 feet between a majority of other neighborhood residences. We have attached a diagram for your use.

At the meeting, we showed the Rellihans our house plans and discussed the fact that the front of the garage, which would be adjacent to their house, would be facing the opposite direction. Therefore, this would provide them with privacy. They would not see the inside of our garage, the garage doors, or our driveway. They asked us if we planned to fence our yard. We indicated we did not. I believe they appreciate, as we do, the openness of the property.

We did indicate to them that we would be willing to plant shrubbery that would block their view of the garage. We did advise the Rellihans, however, that the garage will look like a part of the house, since it has windows and will be sided to match the house. As I indicated, they will have no view of the garage doors or driveway. I have enclosed a drawing of the house.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 7, 1986

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Chairman

MEMBERS

- Bureau of Engineering
- Department of Traffic Engineering
- State Roads Commission
- Bureau of Fire Prevention
- Health Department
- Project Planning
- Building Department
- Board of Education
- Zoning Administration
- Industrial Development

Ms. Bernice F. Walk  
320 Main Street, S.W.  
Glen Burnie, Maryland 21061

RE: Item No. 170 - Case No. 87-288-A  
Petitioner: Bernice F. Walk, et al  
Petition for Zoning Variance

Dear Ms. Walk:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: John C. Mellema, Sr., Inc.  
6100 Baltimore National Pike  
Baltimore, Maryland 21228

Kathleen L. Junker  
4823 Melbourne Road  
Baltimore, Maryland 21229

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204  
494-3211

NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

DECEMBER 18, 1986

Re: Zoning Advisory Meeting of NOVEMBER 11, 1986  
Item # 170  
Property Owner: BERNICE F. WALK, et al  
Location: SW/S ROCKWELL AVE, 284.8'  
NW, CHALFONTE DRIVE

Dear Mr. Jablon:

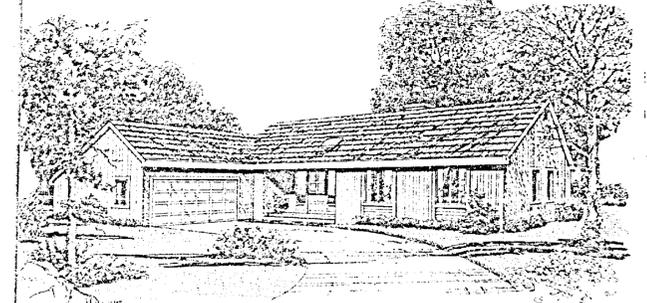
The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- There are no site planning factors requiring comment.
- A County Review Group Meeting is required.
- A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- A record plat will be required and must be recorded prior to issuance of a building permit.
- The access is not satisfactory.
- The circulation on this site is not satisfactory.
- The parking arrangement is not satisfactory.
- Parking calculations must be shown on the plan.
- This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- Construction in or alteration of the Floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- The amended Development Plan was approved by the Planning Board or the Landscaping: Must comply with Baltimore County Landscape Manual.
- The property is located in a deficient service area as defined by B111 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- The property is located in a traffic area controlled by a "D" level intersection as defined by B111 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Additional comments:

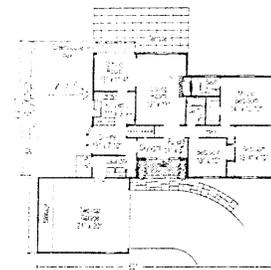
cc: James Hoswell

David Fields, Acting Chief  
Current Planning and Development

RANCH HOME PLANS  
SOLAR



SOLAR FEATURES  
EMBELLISH A  
COMPACT RANCH  
PLAN 2377

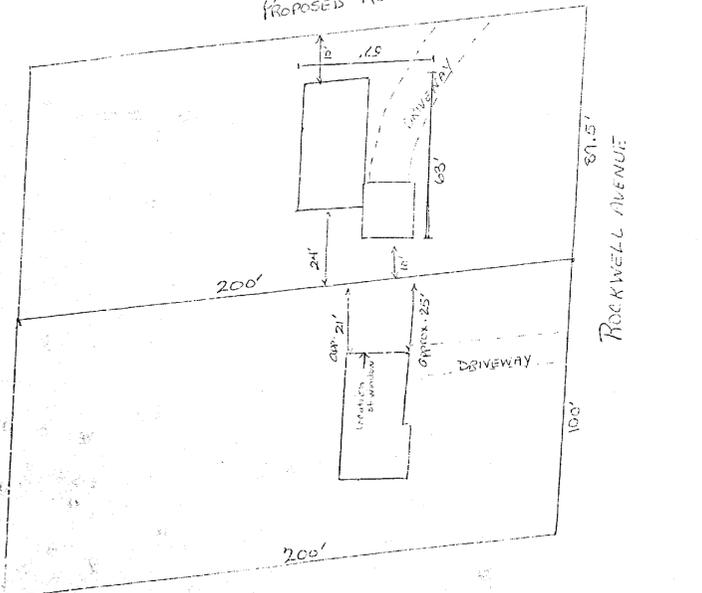


- Energy-saving features in this affordable ranch include a south-facing greenhouse, 6-inch exterior stud walls and 12 inches of ceiling insulation, double-glazed windows and weatherstripping.
- Brick entrance porch leads to a skygighted central foyer.
- Living room includes a heat-circulating fireplace and sliding glass doors to the terrace.
- Greenhouse bay lends a touch of the outdoors and increases the size of the dining room.
- U-shaped kitchen opens to a dinette with bay window.
- Master bedroom includes a full bath and a walk-in closet.
- Two additional bedrooms share a full bath.
- Plan includes a basement.
- Materials list costs \$25; mirror-reverse plans are available for an additional \$15.
- House measures 63' x 57' (excluding terrace).
- House has 1,495 square feet (excluding garage).

or phone toll-free (800) 574-1567

SEE ILLUSTRATED HOME PLANS FOR MORE INFO 87

PROPOSED ROADWAY / PRESENT DRIVEWAY  
TO WALKO



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

December 4, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 167, 168, 170, 172, and 173.

Very truly yours,  
Michael S. Flanigan  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt

PAUL H. REINCKE  
CHIEF

November 24, 1986

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Property Owner: Bernice F. Walker, et al

Location: SW/S Rockwell Avenue, 284.8' NW Chalfonte Drive

Item No.: 170 Zoning Agenda: Meeting of 11/11/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *[Signature]*  
Planning Group  
Special Inspection Division

Noted and Approved: *[Signature]*  
John F. O'Neill  
Fire Prevention Bureau

/mb

December 2, 1986

TED ZALESKI, JR.  
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 170 Zoning Advisory Committee Meeting are as follows:

Property Owner: Bernice F. Walk, et al  
Location: SW/S Rockwell Avenue, 284.8 feet NW Chalfonte Drive  
District: 1st.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- (B) A building and other miscellaneous permits shall be required before the start of any construction.
- (C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table L01, Section L407, Section L406.2 and Table L402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table L01 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) \_\_\_\_\_, \_\_\_\_\_, of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use \_\_\_\_\_ to Use \_\_\_\_\_, or to Mixed Uses \_\_\_\_\_. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Waterline. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

*[Signature]*  
BY: C. E. Burnham, Chief  
Building Plans Rev. 6

L/22/86

87-1612

FEB 17 1987

ZONING OFFICE

USPS FLINT, et al  
2/17/87  
TO file - bring me file

2400 Rockwell Avenue  
Baltimore, Md 21228  
Feb 12, 1987

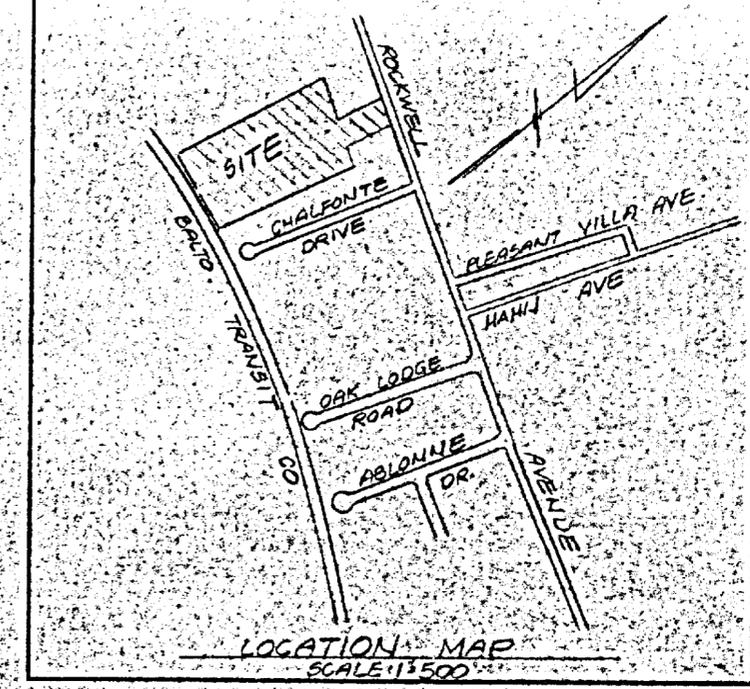
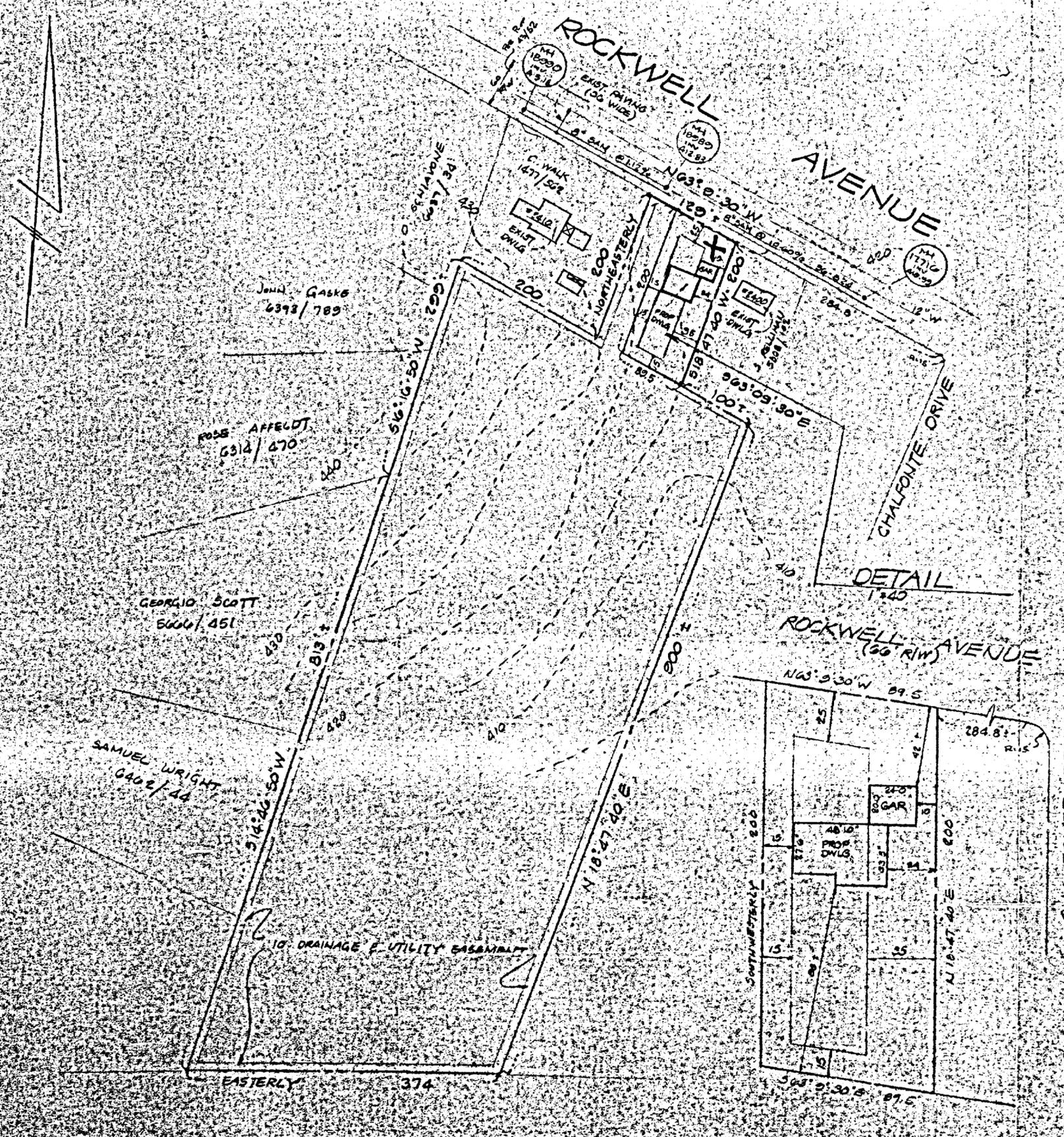
Dear Mr. Jablon,

In regards to zoning case # 87-298-A, we have been unable to come to an agreement with Mr. & Mrs. Junker, who want to build a house on the lot next to ours. At the hearing you had suggested that the two couples involved try to work things out between ourselves. We did meet once and we discussed some possible solutions. The Junkers are trying to leave enough room next to their lot (not our side) for an access road to the 9.3 acres of un-developed land behind our lots. This acreage belongs to Mrs. Junker's father and aunt. Because the Junkers have taken 10.5 feet off of the side of their property for the road, they do not have sufficient room for the house they propose to build. According to zoning in this area they must have a 30 foot <sup>street</sup> setback from their property line to their dwelling, with out a window. They want to build a garage, which is attached to their house, only 10 feet from our property line. In our neighborhood most houses have at least 15 foot setbacks, and some, including our house, have more. We feel that a building this close to ours would not look right. The site plans for the proposed

building have the house situated 10 feet from our boundary and 16 feet from the proposed road. We would agree to a 16 foot setback from our property line provided a screen of white pine, or something similar, is planted between the dwellings. We also have a drainage problem that will involve both properties. Therefore, we would like the Junkers to agree to create a swale between the properties to allow for proper drainage. We thank you for the attention you have given this case, and look forward to hearing of your decision in this matter.

Sincerely,  
*[Signature]*  
Eloise Richman  
Steven D. Richman

Number of copies 1 to 100



- NOTES:
1. PROPERTY INFORMATION SHOWN WAS COMPILED FROM DEEDS & RECORDS AND IS NOT A FIELD RUN SURVEY.
  2. TOPOGRAPHY SHOWN HEREON IS BASED ON PHOTOGRAMMETRIC MAP OF BALTO. CO.
  3. DEED REF. OF PARCEL: G139/19
  4. TAX MAP 100 PARCEL 38

AREA TABULATION

1. EXISTING ZONING	DR 5.5
2. AREA OF PARCEL	9.3 AC.
3. NO. OF LOTS ALLOWED 9.3 X 5.5 51 LOTS	
4. NO. OF LOTS PROPOSED	2 LOTS
5. GROSS RESIDENTIAL DENSITY	0.21

PETITIONER'S EXHIBIT

JOHN C. MELLEMA SR. INC.  
LAND SURVEYORS  
6100 BALTO. NATL. PIKE - BALTIMORE, MD. 21228  
301-744-8800

VARIANCE PLAT  
PROPERTY OF

BERNICE F. WALK  
VERNON H. FLINT  
1ST ELECTION DIST. BALTO. CO. MD.  
SCALE 1:100  
APRIL, 1986

